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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/757,948	01/14/2004	Cesar M. Diaz	20664.007	5066

7590 08/30/2005

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EXAMINER

GREENE, DANA D

ART UNIT	PAPER NUMBER
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3762

DATE MAILED: 08/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/757,948

Applicant(s)

DIAZ ET AL.

Examiner

Dana D. Greene

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-6 stand rejected under 35 U.S.C. 101 because the workings and internal circuitry workings of the invention are not disclosed. The Applicant has failed to disclose any diagrams or descriptions of the protective circuit that couples to the defibrillators. Further, the Applicant does not disclose descriptions or figures relating to the internal workings of the switch box designed with semiconductor technology applied to any type of high voltage for passive sensing and subsequent diversion.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6 stand rejected under 35 U.S.C. §102(b) as being anticipated by Clare et al. (US 5,718,719, hereinafter "Clare"). Clare is considered to disclose:

a safe junction box equipped with passive semi-conductor like circuit designed to protect the patient from unsafe voltages by diverting the excess and

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only the excess energy away from the electrodes but only in certain selection settings (see col. 3, ln. 31-40, Clare). The disclosed actuator circuit is considered to anticipate the claimed semi-conductor like circuit because both have components working to isolate unsafe voltages from the patient;

a switch mounted on the safe junction box designed to redirect the energy supplied by the defibrillator to one or more electrodes that will always include the option to switch back to external for safety (see col. 2, ln. 1-8, Clare). The disclosed adapter is considered to anticipate the claimed switch because both are adapted to be coupled to the first and second electrodes, and adapted to be coupled to the defibrillator unit and to the electrosurgery unit for switching between the defibrillation unit and to the electrosurgery unit for switching between the defibrillation unit and the electrosurgery unit to perform procedures on the patient utilizing the same first and second electrodes;

internal electrodes mounted on a catheter or lead made so that current densities to be used at the surface of the electrodes never exceed 2 amp per centimeter squared (see col. 4, ln. 17-29, Clare). The disclosed electrode placed on the apex of the heart is considered to anticipate the claimed internal electrode because both are in direct contact with the myocardium and a bi-directional vector is configured by directing current flow to the internal electrode and to the external electrode;

external electrodes mounted on the skin of the patient and requiring no blood or other internal body fluid contact (see col. 4, ln. 17-29, Clare). The disclosed electrode placed on the back of the patient is considered to anticipate

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the claimed external electrode because both are located outside the body and allow current flow so as to allow standard life saving defibrillation or cardioversion therapy to be applied;

the entire system being passive in nature because all energy required to defibrillate is supplied by another box or integrated with its own pulse generating circuitry (see col. 2, ln. 47-67, Clare). The disclosed system is considered to anticipate the claimed passive system because both use a defibrillator unit combined with another device to comprise a multi function adapter unit.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dana D. Greene whose telephone number is (571) 272-7138. The examiner can normally be reached on M-F 9-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Angela Sykes can be reached on (571) 272-4955. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR

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system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Dana D. Greene


George Manuel
Primary Examiner